

**THE HANNON LAW FIRM**

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KEVIN S. HANNON \*  
JUSTIN D. BLUM

June 21, 2018

**VIA ECF**

Honorable Vince Chhabria  
United States District Court  
Northern District of California  
Courtroom 4 -17<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, California 94102

*Re: In Re Facebook, Inc., Consumer Privacy User Profile Litigation*  
MDL No. 2843, Leadership Application for Kevin S. Hannon  
This Document Relates to All Actions

Dear Judge Chhabria:

In accordance with the Court's June 7, 2018 Pretrial Order No. 1 (Dkt. 2), I respectfully submit this letter application for appointment as lead counsel in the above-referenced multidistrict litigation, along with my resume (Exhibit A).

**Firm Background.** The Hannon Law Firm, LLC has served clients and courts in state and federal court since it was formed in 1988. We have served clients in class actions for over two decades. I have acted as lead counsel or co-counsel on multiple class actions which have been resolved resulting in distribution to the class, including in Colorado, Missouri, Arizona and Wisconsin. Our work has included pre-filing investigation, filing, pre-trial matters, class certification, discovery, trial, appellate argument and post-settlement administration. I have tried two class actions to plaintiffs' verdicts. I have argued the standards for class certification, including the potential applicability of federal law, before the Colorado Supreme Court. *Jackson v. Unocal Corp.*, 262 P.3d 874 (Colo. 2011). Our work has involved prosecuting many of the legal claims in this case. Further, we have worked with a variety of experts on damage models and allocation plans.

My Firm and I have been recognized for our commitment to public service and have received awards for our dedication to excellent legal work and representation, including for our work in class actions. The Firm has been recognized in The Bar Register of Preeminent Lawyers, Top Attorneys in Colorado, U.S. News Best Lawyers and Best Law Firms and has a Martindale-Hubbell AV rating.

In 1993, I and my co-counsel in *Escamilla, et al. v. Asarco*, received the 1993 "Trial Lawyer of the Year" award given by The Trial Lawyers for Public Justice Foundation for service in the public interest in the first environmental class action tried to verdict in Colorado. In 1996, I received the Outstanding Young Trial Lawyer award from the Colorado Trial Lawyers

Honorable Vince Chhabria  
United States District Judge  
June 21, 2018  
Page 2

Association (CTLA) for service to my clients and the Association. In 2000, I received the first “Case of the Year” award from CTLA. I and my co-counsel received the “Case of the Year” award from CTLA a second time in 2014 for our work in *Doyle v. Fluor Corp.*, an 19-year property damage class action battle for a lead-contaminated community in Missouri. The class was certified and upheld on appeal after briefing and argument by me. After nearly 18 years of litigation, a \$55 million settlement was obtained just months before trial. We managed class notice, created the allocation plan and oversaw distribution of the settlement over a four-year period for an ownership class spanning 30 years, resulting in over 99% participation. *Doyle v. Fluor Corp.*, 400 S.W.3d 316 (Mo. Ct. App. 2013).

**MDL Experience.** I have been appointed to the Executive Committee in *In re: Daily Fantasy Sports Litigation*, MDL No. 16-02677 (D. Mass. 2016), a class action for economic losses from daily fantasy sports with substantive research and pleading responsibilities. Our Firm’s focus in that case are the computer programming issues, as we have prior experience in computer software cases. One of the Firm’s clients is a class representative in *In re: Equifax Inc. Customer Data Security Breach Litigation*, 1:17-md-02800-TWT (N.D. Ga.), after filing the first Colorado Equifax action. Case No. 1:17-cv-2178-WJM (D. Colo.). I filed one of the cases in *In re: Volkswagen “Clean Diesel” Marketing, Sales Practice, And Products Liability Litigation*, MDL No. 2672, and represented local plaintiffs in satisfying the terms of the settlement.

As is clear from the above, we are not a firm that frequents MDL proceedings. We are particularly passionate about the fundamental privacy issues at stake here.

**Familiarity with the Claims Before the Court.** In addition to having over 25 years’ experience in prosecuting class actions, we have prosecuted cases in federal district and appellate courts. The Firm also has experience in privacy and data breach litigation. In 2017, the Firm was appointed as liaison counsel in the consumer class action regarding a data breach in *Gordon v. Chipotle Mexican Grill, Inc.*, 1:17-cv-01415-CMA-MLC (D. Colo.). I am co-counsel in *Lavender v. Driveline Retail Merchandising, Inc.*, 2:18-cv-02097-CSB-EIL (C.D. Ill.), a class action case involving a data breach of employees’ personal W-2 tax information. As noted above, early in our Firm’s history, we represented two separate computer firms for breach of contract and other claims relating to software issues.

Prior to filing our complaint, we began investigating Cambridge Analytica’s permissive use of the Facebook platform. We have monitored and maintained numerous data sources concerning the Cambridge Analytica “thisisyourdigitallife” app, Cambridge Analytica’s use of the Facebook platform, and Facebook’s knowledge thereof. We have interviewed close to 100 users concerning the interference occurring in the 2014 and 2016 election cycles in numerous states. I have personally talked to dozens of impacted users. One of our plaintiffs was interviewed personally on the substance of her Cambridge Analytica profile; another changed her planned voting. Case No. 3:18-cv-2009, Dkt. 1 at pp. 38, 39. We investigated and pled multiple elements of Facebook’s terms of service, data use policy and representations. We understand that this case involves issues of management approval, marketing approval, software development, permission development, data mining, monitoring of data mining, user term development and other facets. We have experience with taking the necessary depositions throughout the corporate structure.

Honorable Vince Chhabria  
United States District Judge  
June 21, 2018  
Page 3

**Ability to work cooperatively with others.** I have a reputation as a collegial and respectful lawyer, accustomed to working with civility, respect, and candor towards co-counsel, as well as the Court and defense counsel. Our litigation often involves working with multiple firms, including in the class actions referenced above. For example, in 2017 I was appointed Co-Lead Counsel in *Brown, et al. v. Saint-Gobain Performance Plastics Corporation, et al.*, 1:16-cv-00242-JL (D. N.H. 2016), an environmental class action. It requires coordination with counsel for an individual plaintiff, co-counsel and multiple defense counsel. I have a long history of identifying colleagues' strengths and coordinating them to an effective result. I am confident that I can effectuate efficiencies and cooperation to benefit the class and avoid unnecessarily burdening the Court. As lead counsel here, I would lead a coordinated team of many of the likely applicants for efficient prosecution of this action.

We pledge to work with collegiality, civility, respect and candor towards all Plaintiffs' counsel, as well as the Court and defense counsel. We will work toward calm and swift resolution of any areas of disagreement.

**Time and Resources Available to Prosecute the Litigation.** I have the full and complete ability to commit the necessary time to this litigation. I have current leadership in one class action, one management position in an MDL and one liaison position. Although a small firm, we have consistently taken on and efficiently prosecuted complex litigation. Our staff has significant experience in every phase of class actions dating back to 1993. One of our staff has experience in class action administration including research, acquisition and reporting of class data, development and maintenance of case databases, handling class member communications in the administration of over 150 class and collective actions. We have substantial resources, but again, would look to build a coordinated team to prosecute the case.

**Reasonable Fees and Expenses.** Our Firm is a historically small firm that has needed to be and has been efficient and cost effective. Our Firm can and will effectuate efficiencies and cooperation to benefit the class and avoid unnecessarily burdening the Court.

**Conclusion.** I welcome the opportunity and would be honored to serve the consumers affected by Defendants' conduct, and this Court, as lead counsel. We offer the Court a fresh face, and creativity and collegiality in prosecuting this action. However, if the Court selects another attorney to lead the case, I would welcome the opportunity to support that attorney in the prosecution of the case and protecting the privacy rights of the affected consumers.

Respectfully,

**THE HANNON LAW FIRM**

/s/ Kevin S. Hannon

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